

## Chapter Eight

### "Some Thoughts on the Monarchy/Republic Debate"

Sir David Smith, KCVO, AO

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May 1901 saw the opening of the first Commonwealth Parliament in this city of Melbourne by The Duke of Cornwall and York, later King George V. May 1927 saw the opening of the temporary Parliament House in Canberra by The Duke of York, later King George VI. May 1988 saw the opening of the permanent Parliament House in Canberra by Queen Elizabeth II. It was thus both significant and appropriate, if coincidental, that May 1992 should have seen the establishment in Sydney and Melbourne of two separate and different organisations, yet each dedicated to the defence of the constitutional arrangements represented by the events which I have just mentioned.

The Sydney organisation goes by the descriptive title of Leadership Beyond Politics : Australians for Constitutional Monarchy, while the Melbourne organisation is the one which has brought us together this week-end under the title of The Samuel Griffith Society, a name which commemorates one of the fathers of our federation and one of our greatest colonial statesmen.

Samuel Griffith was a Government Minister in colonial Queensland from 1874 to 1878, Leader of the Opposition from 1879 to 1883, Premier of Queensland twice, from 1883 to 1888 and from 1890 to 1893, and was appointed Chief Justice of Queensland in 1893. He was appointed the first Chief Justice of the new High Court of Australia in 1903.

According to Dr Brian Galligan of the Australian National University, Samuel Griffith was one of those great men of Australian colonial life who dominated its politics, reflected its values, and who was part of the generation "who put in place the institutions of government that have shaped and moulded Australian politics and public life ever since". It was Griffith who drafted the constitution bill that was presented to the first Constitutional Convention in 1891 and who piloted it through the convention. He did not attend the 1897-98 convention that finally produced the Constitution: by then he was Chief Justice of Queensland and that colony did not send a delegation to that convention. But so impressive had been his work at the abortive 1891 convention that it secured for him the High Court appointment in 1903.

When John Stone asked me for a title for my remarks tonight, I said I would share with you some thoughts on the current monarchy/republic debate. It is true that this week-end conference, and the society which has arranged it, are concerned with our Commonwealth Constitution as a whole, and with the whole gamut of this country's governmental arrangements which flow from that document. But the nature, and the role, of our Head of State are fundamental to our system of government as a constitutional monarchy, and it seemed appropriate that I might say something on that subject, particularly as you are to hear more on the subject tomorrow morning from two distinguished scholars, John Paul from the University of New South Wales, and Bruce Knox from Monash University.

The current debate began at the Australian Labor Party's national conference in Hobart last year. Responding to a resolution moved by a federal caucus back-bencher, and after a singularly lacklustre discussion, that conference decided that this country would commemorate its centenary of federation as a constitutional monarchy by becoming a republic, and that we would first be subjected to a ten-year education campaign to help us decide what was good for us. So

well thought out was this proposal that they even had an argument about whether the operative date in the year 2001 would be the 1st or the 26th of January.

Next we saw the establishment of the Australian Republican Movement, an organisation whose aim is to turn Australia into a republic simply by taking "The Queen" and "Governor-General" out of the Constitution and replacing them with "President". This very limited proposal for constitutional amendment has angered other republicans who seek much more extensive constitutional change.

In a public lecture given in Parliament House, Canberra last week, the Clerk of the Senate, Mr Harry Evans pointed out that, if the only thing that the republican movement wanted to change was the title of the Head of State, then our constitutional system was in good shape. He went on to say that, whereas there was demand in Britain, Canada and New Zealand for radical constitutional change, many of the changes being sought in those countries were already in place in Australia. He cited as examples the lack of a written constitution in Britain, the lack of a written constitution, an upper house, and state or provincial governments in New Zealand, and the lack of an elected upper house with equal representation for the provinces in Canada. Australia has all of these things, and has had them since 1901, right from the start.

The third shot in the republican armoury was fired by the Prime Minister immediately following The Queen's visit in February of this year. Let me say at once that I saw nothing in the way in which the Prime Minister and his wife greeted The Queen and the Duke of Edinburgh, and escorted them during their official functions, which would have given any offence. I do not, of course, have the slightest idea what The Queen and Prince Philip thought at the time, but I should be very surprised if the Royal visitors found their hosts anything but courteous and attentive.

The British Press, on the other hand, with some encouragement from here, indulged itself in an orgy of outrage. Editors and journalists who for years have behaved most despicably towards their Sovereign, and her family, and continue to do so, had the effrontery to lecture us on how to behave towards our Sovereign. The immediate upshot was a series of attacks by the Prime Minister on every one and everything with a British connection. Not only were we, and our foreign neighbours, told that our Head of State and our flag had to go. The history of the Second World War in the Pacific, and Britain's role in it, were rewritten and, for good measure, the names of Churchill, Menzies and Casey were dredged up and their memories traduced, all in the name of building one nation.

The saddest part in all of this was the way the Prime Minister characterised supporters of the monarchical system of government as un-Australian, unpatriotic, even disloyal. We became lickspittles and forelock tuggers. Suddenly, in multicultural Australia, there was room for every cultural heritage except the one that established the modern nation and laid the foundations of the society in which we all live today. For a time, patriotism seemed to be the sole preserve of only one side of politics, until the Caucus found that it had some outspoken monarchists in its ranks, and the Government found that it had a supporter of The Queen and the present flag in at least one of its Ministers.

Former Prime Minister, Bob Hawke, in a speech to the National Press Club two years ago, had no difficulty in reminding his audience that we had acquired from Britain our "fundamental principles of parliamentary democracy, freedom of the individual and the rule of law". We also received from Britain the great heritage of her language, her laws, her customs, her literature and her philosophy - in short, her culture. Now, it would seem, we are to deny our past and denigrate the institutions that have helped to make us the free and democratic nation that we are. But what else can we expect when even that high and important institution, the office of Prime Minister, is

reduced to the level of a kindergarten play-ground toy? "Please, Miss! Bobby's had it long enough: now I want a turn!"

The British institutions which we inherited have given us a system of government which is a democratic, parliamentary, responsible, constitutional, Westminster-style monarchy, and I am assuming that I don't need to define any of those adjectives for this audience. This in turn has enabled this country to become what Sir Ninian Stephen, the then Governor-General, described as one of the oldest continuous democracies in the world. He pointed out that only Britain, the United States of America, Canada, Switzerland and Sweden could look back on longer periods of democratic rule, uninterrupted by dictatorship of the left or right, or by foreign conquest and occupation, than could Australia. He went on to say that we have had a much longer experience of making decisions for ourselves, by democratic means, than all but a handful of the almost 200 nations of today's world; and even today, democracy, as we have so long known and understood and enjoyed it, is still a relative rarity among the nations of the world.

It's interesting to note that, of the six oldest continuous democratic nations listed by Sir Ninian, four - Britain, the United States, Canada and Australia - are British in origin, and four - Britain, Canada, Sweden and Australia- are monarchies.

The Monarchy has provided strength and stability to our system of government, and a sense of unity to our nation. It is part of our history, and it is no less Australian just because its story began in England or because we share it with Canada or New Zealand or Papua New Guinea or the many other monarchical countries within the Commonwealth. Our latter-day republicans, I suggest, are not being so much pro- Australian as anti-British, and that surely must be a most unworthy sentiment on which to base a campaign which will divide this country as it has never been divided before. What then are the reasons which our would-be republicans give for wanting to foist this doubtful blessing on us?

We are told that our independence and our nationhood are at risk while we remain tied to the British Monarchy, the British Government, and Britain. The fact is that Australia has long since severed all legal and constitutional ties with Britain and with its Government. We are an independent nation and our formal links with Britain today are no different from our formal links with any other country with which we maintain friendly relations. We have been for a long time as independent as we could ever be as a republic, and the suggestion that we need to change our constitutional arrangements to become more independent is simply not true. I am reminded of something the political journalist Peter Costigan wrote in *The Canberra Times* last year: "Imperfect though it is (and who has ever written a perfect constitution?) Australia's Constitution has proved for 90 years to be a protection for the people against the whims of those temporarily in power. Voters have demonstrated their unerring belief in its importance by rejecting so many attempts by politicians to fiddle with it."

We are told that it is un-Australian to want to have The Queen of the United Kingdom as our Head of State. The fact is that we don't. Our Monarchy is not a British one, it is an Australian one, as a result of legislation introduced into the Australian Parliament by Prime Minister Menzies nearly 40 years ago - the Royal Style and Titles Act 1953. Popular legend has it that Her Majesty became Queen of Australia 20 years later, as a result of Prime Minister Whitlam's Royal Style and Titles Act 1973, but that is not true. What that Act did was remove from The Queen's Australian style and titles the former references to "United Kingdom" and "Defender of the Faith". Mr Whitlam had also wanted to remove the words "by the grace of God", but The Queen would not hear of it. Mr Whitlam later described that particular audience with his Sovereign to some of his legal advisers as the only occasion on which he was bested, but I can think of at least one other.

Next, the republicans claim that we must change our ways to meet the needs of those who have joined us as immigrants. We are told that non-British migrants cannot comprehend our system of constitutional monarchy. The fact is we are all either immigrants or the descendants of immigrants, and that includes the Aborigines. The successive waves of immigrants have brought with them different cultures and traditions and languages. My own experience, as a first generation Australian whose parents were of non English speaking background, was that most of our early immigrants became loyal Australians and adopted Australian customs, at the same time making their own contributions to what they found here, and making us a better and richer and more tolerant society in the process.

For the most part they did not lose sight of the fact that they came here because, for them, life in their own country had become, or was likely to become, intolerable, and this country offered them something better. For one reason or another, the systems of government from which they fled did not offer to them, as citizens, the fundamental freedoms and protections which our system of government offers to its citizens. That being the case, it makes no sense to suggest that the presence of non-British migrants in this country should be used as an excuse to do away with anything and everything that is of British origin. More to the point, virtually all of our immigrants of necessity, as distinct from our immigrants of choice, have fled from countries governed by one version or another of the republican form of government.

My own experience tells me that the vast majority of them do not want Australia to become a replica of what they left behind, and that they resent being used as scapegoats in the republican campaign. We may be hearing the views of certain so-called ethnic community leaders, but we certainly are not hearing the views of those whom they claim to represent and on whose behalf they presume to speak.

We are reminded regularly that we are part of Asia, and that this is an additional reason for rejecting this country's British cultural inheritance. Certainly Australia is geographically part of the Asia-Pacific region, but the region comprises many different countries with many diverse cultures. There are even wide cultural differences within many of these individual countries, so I wonder just which Asian country and which Asian culture we are to identify with. And what about the Asian monarchies of Japan, Thailand and Malaysia? They would surely find it strange that we should contemplate changing our system of government to a republic in order to identify more closely with them. The very notion that our monarchical status is an inhibiting factor in our bilateral diplomatic, strategic or trading relationships with our Asian and Pacific neighbours is as insulting to them as it is offensive to us. That would have to be the ultimate cultural cringe. Our Asian neighbours are rightly proud of their respective cultural inheritances, and would expect us to be proud of ours.

Professor John Passmore, Emeritus Professor of Philosophy at the Australian National University, with an international reputation, particularly in Britain, Canada, the United States and Japan, gave a public lecture recently under the title "Europe in the Pacific". In developing his thesis Professor Passmore said "that to understand, and take advantage of, our place in the world we shall do best to think of ourselves not as 'a part of Asia' but as a European country which has special opportunities and confronts special problems in virtue of its close proximity to ... 'South Eastern Asia'. ...Before we decide to regard ourselves as a part of Asia on account of our proximity, we should remember that most parts of Europe are much closer to large areas of Asia than we are to any part of Asia except, in respect to our far North, to Indonesia. Unlike us, Europeans can send goods to Asia by rail or truck - in the case of Turkey simply by crossing a bridge."

And for an Asian view on this matter let me quote from a speech given recently in Perth by Professor Wang Gungwu, Vice-Chancellor of the University of Hong Kong, who said "Australia

should not consider itself as a part of Asia, but as an interdependent, indispensable partner in the region's future."

Lest my remarks about Australia's relationships with Asia and the countries of the Pacific be misconstrued as being at odds with the Prime Minister's view that we need to establish special relationships with them, let me hasten to add that, at Government House, we were busy making our contributions towards the establishment of special relationships years ago. Both in our own way, and with the assistance of officers of the Department of Foreign Affairs, we started practising fifteen years ago what the Prime Minister has so recently been preaching.

The final arguments which the republicans trot out are that we should have an Australian carrying out the duties in Australia as our Head of State, and that The Queen cannot represent Australia overseas. Both of these arguments are clear examples of sophistry because their proponents mischievously ignore or misrepresent the role of the Governor-General.

The Sovereign has never attempted to represent abroad any of the other monarchical countries of the realm, other than the United Kingdom, and none of the other monarchical countries have ever expected or even thought that the Sovereign could or would do so. That has always been the role of the Governor-General and, so far as Australian Governors-General have been concerned, they have fulfilled it with grace and distinction, and with great credit to Australia. Regrettably, Australian Governments were slow to realise the diplomatic potential of State visits abroad by Governors-General as the representatives of their country: though Canada first started sending its Governors-General on official visits to other countries as long ago as 1927, we didn't do so until 1971. In fact, Buckingham Palace has long had a much better appreciation and understanding of the diplomatic role which a Governor-General is capable of discharging on behalf of his country than has any Australian Prime Minister, even to stipulating that Governors-General should be received by foreign host governments as the head of their country, and with all the proper marks of respect due to a visiting Head of State.

All of the host countries visited by Governors-General Sir Paul Hasluck, Sir John Kerr, Sir Zelman Cowen, Sir Ninian Stephen and Mr Bill Hayden have indeed acted in this way during 27 State and official visits made to 20 countries, and all but one of them in Asia or the Asia-Pacific region. Australian Governors-General have even been accorded special courtesies by foreign Heads of State and their governments when travelling abroad privately and unofficially while on leave, so it is just humbug to speak of this country needing to become a republic in order to be properly recognised and accepted by other countries.

If, then, and contrary to what the republicans would have us believe, our present constitutional arrangements and our present system of government do not diminish our independence, do not proclaim subservience to a foreign government, do not upset our Asian neighbours nor the rest of the world, and do not offend the majority of our own citizens, whether Australian born or foreign born, then we must look for some other motive for the push to replace the appointed Governor-General with the elected President, for that is the nub of the republican issue.

As I said earlier, the republicans want to amend our Constitution to substitute "President" for "The Queen" and "Governor-General": the powers and duties presently assigned to the Governor-General would remain unchanged. As Mr Gough Whitlam reminded a law students' symposium held recently in Canberra, the Sovereign's constitutional duties are virtually limited to appointing the Governor-General on the advice of the Prime Minister. All of the duties as Australia's Head of State under the Commonwealth Constitution or under laws made by the Australian Parliament are carried out each day in Australia by an Australian – the Governor-General.

It is true that there was once a time when Australia's Governors-General were agents of the Imperial Government and owed their first duty to British interests. But that arrangement came to

an end in 1926 – sixty-six years ago, so it hardly provides any sort of argument today. It is also true that there was once a time when Australia's Governors-General were appointed by the Sovereign on the advice of British Ministers. But that arrangement came to an end in 1930 – sixty-two years ago, so that too provides no sort of argument today. If ever Australians were reminded that Australia's sovereignty was firmly located in Canberra and not in London, it happened when the then Labor-appointed Speaker of the House of Representatives asked The Queen to intervene in the 1975 dismissal and to restore the Whitlam Government. Mr Speaker was told by Buckingham Palace that the Australian Constitution placed all constitutional matters squarely in the hands of the Governor-General. That, surely, put an end to all doubts about where Australia's sovereignty lies.

Of the 21 Governors-General since federation, eight have been Australians. I have had the great privilege of serving the last five of them, and of knowing two others – Lord Casey and Sir William McKell: the first one – Sir Isaac Isaacs – was appointed before I was born. Of the eight, five of them had previously held political office, but none could ever have been accused of allowing former partisan interests to interfere with their performance of their duties. For each of them, their personal integrity, coupled with the knowledge that they had been appointed – not elected – and that they were the personal representatives of their Sovereign, were enough to ensure their commitment to their oath of allegiance and their oath of office. The question we are entitled to ask is whether having an elected President would guarantee us the same high standards.

At first the republicans simply said that they wanted an elected President, as if election to office was itself a sufficient guarantee. Now they want the President to be elected by the Federal Parliament, and not by the electorate at large. If I were Prime Minister of this great country, with all the awesome responsibilities of that high office, the last thing I would want breathing down my neck would be an elected Governor-General, or an elected President, claiming to represent his or her own constituency. And that's not such a fanciful notion. In the course of my travels overseas on duty with our appointed Governors-General, I was present at a gathering of a number of Governors-General, both appointed and elected, when one of the latter was heard to propose, quite seriously, that, as their respective Prime Ministers gathered together periodically for important multi-lateral conferences of one kind or another, it was time that they, too, should come together in similar fashion, for they, too, had been elected and had important constituencies to represent. Fortunately, our appointed Governor-General was able to say that such a proposal could not concern him.

As well as claiming an independent mandate, an elected Head of State might also have an independent attitude to his constitutional duties. Again let me give an actual example. Papua New Guinea's Governor-General is appointed by the Sovereign on the advice of the Prime Minister. But the Prime Minister is required to recommend the person who is elected by the Papua New Guinea Parliament. During the term of the previous Government a code of conduct tribunal found a Minister guilty of acting corruptly and recommended his dismissal from office. This required Executive Council action, and the Prime Minister put an appropriate recommendation to the Governor-General in Council. But the Minister was a friend to whom the Governor-General owed a debt of gratitude because of past associations, so His Excellency repaid his debt by refusing to accept the advice of his Ministers to terminate the disgraced Minister's appointment.

At least one newspaper, The Canberra Times, regards the risk of having an elected head of state so seriously that, in an editorial in support of a republic, it rejected the notion of election by politicians because it felt that a President with an independent fount of political power was an inevitable prescription for trouble – which is my point precisely – and suggested instead a

continuation of the present system of selection by the Prime Minister – which of course confirms the wisdom of retaining the Governor-Generalship and its method of appointment.

We may prefer to think that the risk of a Head of State who would refuse to carry out a constitutional duty because of mateship could not happen in Australia. Well, let's look at the record, and examine the actions and the expectations of those who believed they had some claim to the allegiances of two of our Governors-General. Governor-General McKell was appointed in 1947 on the advice of Prime Minister Chifley. McKell had previously been Labor Premier of New South Wales. The Chifley Labor Government lost the 1949 elections and Menzies became Prime Minister. His Government had to contend with having important legislation blocked by a hostile Senate, and in 1951 he declared his intention to recommend to the Governor-General that he be granted a double dissolution of the Parliament to enable an early election to be held for both the House of Representatives and the Senate. The Labor Opposition, believing that "their man in Yarralumla" would not grant Menzies his request, were outraged when he did. The Party felt betrayed by a "mate", notwithstanding that all the conditions necessary for a double dissolution in accordance with section 57 of the Constitution had been met, and that the Governor-General had merely done his constitutional duty. In the view of the former doyen of the Federal Parliamentary Press Gallery, the late Allen Reid, the abuse which the Labor Party heaped on Sir William McKell was as bad as anything done to Sir John Kerr 22 years later. In the case of Sir John he, too, was regarded as a "mate", though he had never held political office, and much of the calumny directed at him was because he had acted contrary to the Party's interests, and because there had been some expectation that his past associations with members of the Party would ensure that he would not.

In each case there were those who belonged to the Party which had nominated the Governor-General who believed that he would act to protect the Party's interests, no matter what his sense of duty might dictate. What, then, would be their expectations if they had actually voted him into office? And what might an elected President do in similar circumstances if he were free of the twin restraints of holding an appointed office, and being the personal representative of the Crown in Australia?

We have every reason and every right to be proud of the origins of our Australian heritage, and mere ideological prejudices provide no justification for change. True, in a democracy such as ours, people are entitled to seek changes to our system of government by peaceful and constitutional means, and if ultimately a majority wishes for change then change must happen. In similar fashion, those who wish to retain the existing system are also entitled to press their case, without being ridiculed or abused for doing so, and I am grateful to this Society for allowing me an opportunity to press mine.

Nations do sometimes change their national institutions and their national symbols – Constitutions are amended and flags are redesigned – but usually such changes occur as a result of some dramatic event in a nation's history. It must surely be unprecedented for a nation's Head of Government to declare his country's Constitution and flag to be unacceptable, solely because of their historical connotations, and then to cast about in search of alternatives. Less democratic and less tolerant societies would regard such action, at best, as unpatriotic, or at worst, as disloyal.

There is much that is wrong with the way this nation is governed and administered at the present time. Never before have we had so many Royal Commissions and other inquiries into our processes of government and public administration; never before have we had so many public office-holders and other public figures either in prison or facing that prospect; never before have the electors registered their dissatisfaction with the political process by returning so many independent and minor party candidates to Parliament; never before has Australia had so many

of its citizens who are hurting because of what has been done to them by their Governments and by their fellow Australians.

And yet despite our current economic problems – none of which has ever been attributed to our system of government – and despite the undoubted economic hardships which many Australians are enduring at the present time, under our present system of government we have produced a society which is still one of the most comfortable and safest in which to live and to work and to raise one's children. We have much to do to improve our standards of public life, but if there is one thing that we do not need to change it is the unifying influence of our constitutional monarchy. Somehow I think that Sir Samuel Griffith would have agreed.